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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff,

v.

SONOS, INC.,

Defendant.

Case No. 3:20-cv-06754-WHA

**DECLARATION OF COLE B.
RICHTER IN SUPPORT OF
GOOGLE'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED (DKT. 124)**

DECL. OF RICHTER ISO GOOGLE'S ADMIN. MOTION TO
CONSIDER WHETHER ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED (DKT. 124)
3:20-cv-06754-WHA

I, Cole B. Richter, declare as follows and would so testify under oath if called upon to do so:

1. I am an attorney with the law firm of Lee Sullivan Shea & Smith LLP, counsel of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good standing of the Bar of the State of Illinois. I have been admitted *pro hac vice* in this matter. I make this declaration based on my personal knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set forth herein.

2. I make this declaration in support of Google’s Administrative Motion to Consider Whether Another Party’s Material Should be Sealed filed on February 4, 2022 (Dkt. 124), in connection with Google’s Second Amended Complaint (“Google’s SAC”).

3. Sonos seeks an order sealing the materials as listed below:

Document	Portions Google Sought to Be Filed Under Seal	Portions Sonos Seeks to Be Filed Under Seal	Designating Party
Google’s SAC	Portions highlighted in yellow	Same portions highlighted in yellow and submitted by Google	Sonos
Exhibit 2 to Google’s SAC	Entire document	Entire document	Sonos
Exhibit 3 to Google’s SAC	Entire document	Entire document	Sonos
Exhibit 4 to Google’s SAC	Entire document	Entire document	Sonos
Exhibit 5 to Google’s SAC	Entire document	Entire document	Sonos
Exhibit 6 to Google’s SAC	Entire document	Entire document	Sonos

4. The portions of Google’s SAC highlighted in yellow and Exhibits 2 and 3 reference Sonos’s confidential business information and include confidential business agreements that are not public. Public disclosure of this information would harm Sonos’s competitive standing and its ability to negotiate future business agreements because it would give competitors access to Sonos’s confidential business strategies. If such information were made public, I understand that Sonos’s competitive standing would be significantly harmed. A less restrictive alternative than sealing the highlighted portions would not be sufficient because the information

5 5. Additionally, Exhibits 4, 5, and 6 reference Sonos’s confidential business
6 information and trade secrets, including details regarding the source code, architecture, and
7 technical operation of various products. The specifics of how these functionalities operate is
8 confidential information that Sonos does not share publicly. Thus, public disclosure of such
9 information may lead to competitive harm as Sonos’s competitors could use these details
10 regarding the architecture and functionality of these products to gain a competitive advantage in
11 the marketplace with respect to their competing products. A less restrictive alternative than
12 sealing Exhibits 4, 5, and 6 would not be sufficient because the information sought to be sealed is
13 Sonos’s confidential business information and trade secrets and Google contends that this
14 information is “integral to Google’s claims in the SAC.” *See id.* ¶ 4 (Dkt. 123-2).

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge. Executed this 11th day of February, 2022 in Chicago, Illinois.

COLE B. RICHTER